

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, March 3, 2016

9:00am

In attendance: Timothy Byrne

Stanley Davies

Steven Gray

Jack King

Quinlan T. Regan

Charles Wright

Board Members Dennis Brennan, Robert Eva, Fred Foeri, Michael Januario and Anthony Vessella were not in attendance.

Also in attendance were Nicholas Ranone, RIDLT Chief Mechanical Investigator and Valentino Lombardi, Senior DLT Legal Counsel.

1.) Call to Order: Chair, Timothy Byrne called the meeting to order at 9:07am.

2.) Minutes of the February 3, 2016 Meeting: Charles Wright made a motion to accept the minutes of February 3, 2016 meeting as presented; seconded by Stanley Davies and passed unanimously by the Board.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, Senior Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.

4.) Violation Appeal Hearings:

Board Member Charles Wright made a motion to combine Violation 5418 and 5419 and hear them together. Stanley Davies seconded the motion and the vote by the Board was unanimous.

**Lussier, Steven—Automatic Temperature Control, Inc—Violation 5419
Mr. Steven Lussier was in attendance.**

**LOCATION OF VIOLATION: Monsignor Matthew F. Clarke School,
5074 Tower Hill Road, Wakefield, RI 02879**

VIOLATION:

On 12-3-2015, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location after hearing of a boiler explosion a day prior on 12-2-2015 on the evening local news. Upon entering the boiler room, I approached Mr. Russell J. Ortelt, RI Refrigeration Master 1 License Holder (# 6353), an employee of Automatic Temperature Controls, Inc, (ATC) Cranston, RI. After speaking with Mr. Ortelt, I understood that on 12-2-2015 he was present at this job site along with fellow employee Mr. Richard A. Shurtleff, RI Pipefitter and Refrigeration Master 1 License Holder (# 6599). Mr. Shurtleff did the entire installation of the replacement of the defective boiler induced draft motor and that Mr. Ortelt did not engage in any part of this installation.

On 1-11-2016, I received a call from Mr. Joseph Walsh, Risk Adjuster with Catholic Mutual Insurance Co., asking for the names of the two (2) employees of ATC that serviced the boiler at the Monsignor Matthew F. Clarke school on 12-2-2015. I placed a call to Mr. John Lussier, Vice President of ATC to speak with him about this matter. He then proceeded to tell me that it was only one (1) employee, Mr. Russell J. Ortelt that engaged in the replacement of the boiler induced draft motor. I then called Mr. Ortelt and he confirmed that he did, in fact, install the induced draft motor by himself on the morning of 12-2-2015. Mr. Ortelt does hold a valid RI Refrigeration Master 1 License which would allow him to work unrestricted on any type of refrigeration or air conditioning equipment. It does not allow him to work on any type of heating equipment whatsoever.

This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 2, section b, unlicensed employees).

Russell J. Ortelt—Violation 5418 Mr. Ortelt was in appearance.

**LOCATION OF VIOLATION: Monsignor Matthew F. Clarke School,
5074 Tower Hill Rd., Wakefield, RI 02879**

VIOLATION:

On 12-3-2015, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location after hearing of a boiler explosion a day prior on 12-2-2015 on the evening local news. Upon entering the boiler room I approached Mr. Russell J. Ortelt, RI refrigeration master license holder (# 6353), an employee of Automatic Temperature Controls, Inc., (ATC) Cranston, RI. After speaking with Mr. Ortelt, I understood that on 12-2-2015 he was present at this job site along with fellow employee, Mr. Richard A. Shurtleff, RI Pipefitter and Refrigeration Master 1 license holder (#6599) and that Mr. Shurtleff did the entire installation of the replacement of the defective boiler induced draft motor and that Mr. Ortelt did not engage in any part of this installation.

On 1-11-2016, I received a call from Mr. Joseph Walsh, Risk Adjuster with Catholic Mutual Insurance Co., asking for the names of the two (2) employees of ATC that serviced the boiler at the Monsignor Matthew F. Clarke school on 12-2-2015. I placed a call to Mr. John

Lussier, Vice President of ATC to speak with him about this matter. He then proceeded to tell me that it was only one (1) employee, Mr. Russell J. Ortelt, that engaged in the replacement of the boiler induced draft motor. I then called Mr. Ortelt and he confirmed that he did in fact install the induced draft motor by himself on the morning of 12-2-2015.

Mr. Ortelt does hold a valid RI Refrigeration Master 1 license which would allow him to work unrestricted on any type of refrigeration or air conditioning equipment. It does not allow him to work on any type of heating equipment whatsoever.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

Nicholas Ranone reads the violations. He is questioned by the Board and testifies. Mr. Lussier and Mr. Ortelt are questioned by the Board and testified.

Regarding Violation 5419, a motion was made by Quinlan T. Regan that a violation did occur. There was a discussion regarding this motion. Charles Wright seconded the motion and the Board unanimously agreed.

Regarding the fine for Violation 5419, a motion was made by Quinlan T. Regan to suspend the fine of \$1,500.00 for one (1) year pending any further violations because this company has had no previous violations. Charles Wright seconded that motion and the Board

unanimously agreed.

Regarding Violation 5418, a motion was made by Quinlan T. Regan that a violation did occur, Charles Wright seconded that motion and the Board unanimously agreed.

Regarding the fine for Violation 5418, a motion was made by Quinlan T. Regan to suspend the fine of \$1,500.00 because there have been no previously violations. Charles Wright seconded that motion and the Board unanimously agreed.

Board Member Charles Wright made a motion to combine Violation 5402 and 5423 and hear them together. Stanley Davies seconded the motion and the vote by the Board was unanimous.

**Diana Radovic–Northeast Chimney Sweeps, Inc. – Violation 5402
Diana Radovic and Vin Radovic were in attendance.**

Nicholas Ranone reads the violations. He is questioned by the Board and testifies. Diana and Vin Radovic are questioned by the Board and testify.

LOCATION OF VIOLATION: Lombi and Ernestine Zuendoki, 55

Lonsdale St., West Warwick, RI. 02893

VIOLATION:

On 12-7-15, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Lombi Zuendoki against Northeast Chimney Sweeps, Inc. Bethpage, NY, for the installation of one (1) stainless steel chimney liner that two (2) of their employees installed at his home at the above mentioned location. I visited Mr. Zuendoki at his home the same day to view the work that was done, obtain a copy of the invoice from Northeast Chimney Sweeps for their installation of one (1) stainless steel chimney liner that was installed at Mr. Zuendoki's home and receive a written witness statement from Mr. Zuendoki stating that he did, in fact, contract with Northeast Chimney Sweep for the installation of one (1) stainless steel chimney liner on 12-4-15.

Diana Radovic does not hold a RI DHA (Decorative Heating Appliance) license, nor does she have a RI DHA licensed employee that is an officer of her corporation which would allow her to contract for this type of work in the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 1, licensed master is an officer of the corporation.)

After checking with the West Warwick building officials office, I found that no permit was issued for this installation.

This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$1500.00 each. Total \$3000.00.

Chief Nicholas Ranone entered 5 pages into the record as Exhibit A.

- 1. Copy of Violation 5402**
- 2. Trade Licensing Witness Statement**
- 3. North East Chimney Sweeps invoice**
- 4. Business Entity Summary**
- 5. RI Secretary of State Public Browse Search**

Diana Radovic–Northeast Chimney Sweeps, Inc. – Violation 5423
Diana and Vin Radovic were in attendance.

LOCATION OF VIOLATION: Mrs. Rosanne Riley, 6 Zoar St., No.
Providence, RI 02911

VIOLATION:

On 1-4-2016 I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mrs. Rosanne Riley against Northeast Chimney Sweeps, Inc. of 4123 Hampstead Turnpike, Bethpage, NY, for the installation of one (1) stainless steel chimney liner that two (2) of their employees installed at her home at the above mentioned location.

On 1-5-2016, I visited Mrs. Riley at her home to view the work that was done, obtain a copy of the invoice from Northeast Chimney Sweeps for their installation of one (1) stainless steel chimney liner and receive a written witness statement from Mrs. Riley stating that she did, in fact, contract with Northeast Chimney Sweeps for the

installation of one (1) stainless steel chimney liner on 11-9-2015.

Diana Radovic does not hold a RI DHA (Decorative Heating Appliance) license, nor does she have a RI DHA licensed employee that is an officer of her corporation which would allow her to contract for this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 1, licensed master is an officer of the corporation.)

After checking with the North Providence building officials office, I found that no permit was issued for this installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$1500.00 each. Total \$3000.00.

Chief Nicholas Ranone entered 5 pages into the record as Exhibit A.

- 1. Copy of Violation 5423**
- 2. Trade Licensing Witness Statement (2 pages)**
- 3. North East Chimney Sweeps invoice**
- 4. Photograph of the of chimney cap**

Regarding Violation 5402, a motion was made by Charles Wright that a violation did occur. Quinlan T. Regan seconded the motion and the Board unanimously agreed.

Regarding the fine for Violation 5402, a motion was made by Charles Wright to uphold the fine for \$3,000.00. Quinlan T. Regan seconded

that motion and the Board unanimously agreed.

Regarding Violation 5423, a motion was made by Charles Wright that a violation did occur. Quinlan T. Regan seconded that motion and the Board unanimously agreed.

Regarding the fine for Violation 5423, a motion was made by Charles Wright to uphold the find for \$3,000.00. Quinlan T. Regan seconded that motion and the Board unanimously agreed.

Wayne Jandron -- Violation 5375

Regarding Violation 5375 Charles Wright made a motion to revisit this violation. The motion was seconded by Stanley Davies; and passed unanimously by the Board.

Another motion was made by Charles Wright that this violation be dismissed based on the fact that Mr. Wayne Jandron has passed away. Stanley Davies seconded the motion. There was a discussion by the Board and the Board voted unanimously that the fine be dismissed.

5. Glenn R. Bruno – Violation 5408 Motion to Amend the Fine Imposed on Glenn R. Bruno at the February 3, 2016 meeting.

A motion was made by Quinlan T. Regan to reconsider the fine of \$1,500.00 imposed on Glenn R. Bruno at the February 3, 2016 meeting. Steven Gray seconded the motion and the Board unanimously agreed.

There was discussion by the Board regarding the fine.

A motion was made by Quinlan T. Regan to amend the fine of \$1,500.00 be suspended for one (1) year pending no further violations. Charles Wright seconded the motion and the Board unanimously agreed.

6. Revocation / Suspension Hearings for unpaid fines

Michael M Jean—Violation 4462 Mr. Jean was not present.

Mr. Jean contacted Chief Nicholas Ranone on the morning of this hearing stating that he had an emergency and could not attend. He asked for a continuance.

It is the recommendation of Mr. Ranone that this matter be rescheduled for the April 6, 2016 meeting.

Charles Partridge—Violation 4565 Mr. Charles Partridge was not in attendance.

Chief Nicholas Ranone stated that Mr. Partridge satisfied his fine two (2) days ago and there would be no need for a hearing.

7.) Quinlan T. Regan wants to discuss apprenticeship, internship and new hire.

There was discussion by the Board.

8.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses:

There was discussion by the Board.

9.) Adjournment: Motion to adjourn made by Charles Wright; seconded by Quinlan T. Regan. All were in favor. The meeting adjourned at 10:37 am.